

REMARKS

Claims 1, 3 through 4, 6 through 10, 12 through 19 and 21 through 24 are pending in the application.

Applicants respectfully submit that this supplemental response does not raise new issues, but merely places the above-referenced application either in condition for allowance, or alternatively, in better form for appeal. Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

Claims 1 through 4, 6 through 10, 12 through 19 and 21 through 24 remain rejected in light of the primary reference United States Published Patent Application No. 2003/0165645 ("US 645") to Auf der Heide.

The Advisory Action indicates that US 645 is cited under 35 USC 102(e). Applicants take this opportunity to respectfully make of record that US 645 likewise fails to constitutes prior art under 35 USC § 102(e). Particularly, US 645 and the instant invention are assigned to the same corporation, as more formally noted within the Statement of Common Ownership provided below.

Applicants further respectfully reiterate that the claims as-submitted on January 7, 2009 remain in condition for allowance.

Statement of Common Ownership of US 645

The above-referenced invention, i.e. Application No. 10/568,381, and US 645 (i.e. United States Patent Application No. 10/369,286, issued as United States Patent No. 6,808,771) were, at the time the above-referenced invention was made, both owned by Kalle GmbH. This Statement is made in conformance with MPEP 706.02(1)(2). Accordingly, Applicants respectfully submit that the rejection of Claims 1 through 4, 6 through 10, 12 through 19 and 21 through 24 as obvious in light of US 645 has been obviated.

CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. As noted above, it is believed that all of pending Claims 1, 3, 4, 6 through 10, 12 through 19, and 21 through 23 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

Cathy Moore

Cathy R. Moore
Reg. No. 45,764

Application No.: 10/568,381
Filing Date: February 14, 2006
Page: 4

ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, NC 28211-2841
Telephone: (704) 365-4881
Fax: (704) 365-4851
Customer No. 38263

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office PAIR Webpage via the electronic filing system in accordance with 37 CFR § 1.6(a)(4) on February 6, 2009.


Claire Wygand